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GP 3506

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
GROUP ART UNIT 3506

In re

Patent Application of

Johannes A. Megens

Serial No. 08/747,873

Filed: November 13, 1996

Examiner: J. Lisehora

MOVABLE LOADING BRIDGE HAVING
AN INFLATABLE FLEXIBLE BODY

I, Kristin L. Shimeck, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on the date of my signature.

Kristin L. Shimeck
Signature
October 27, 1997
Date of Signature

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APPLICANT'S REPLY

Assistant Commissioner
for Patents
Washington, DC 20231

Dear Sir:

In the Examiner's Answer dated October 20, 1997, the Examiner has raised a new argument in connection with the rejection of the claims for the above-identified patent application. More specifically, at the bottom of page 11 and the top of page 12, the Examiner contends:

"It should be particularly noted that the specification, as originally filed, did not state that the buttons can be utilized without the need for extra tools. Accordingly, the statement by the Applicant's representative that 'as used in the patent application, the phrase "means for detachably connecting" does not cover fasteners that require separate tools (e.g., bolts or screws)' should not be used in the 112, sixth paragraph analysis."

This argument was never submitted by the Examiner prior to the Examiner's Answer, and therefore Applicant should be entitled to file this reply as provided in 37 C.F.R. §1.193(b).

In response to the Examiner's statement, it is initially noted that Claim 20 clearly includes a "means plus function" element, and thus is entitled to an interpretation under 35 U.S.C. §112, sixth paragraph. More specifically, claim 20 recites:

"means for detachably connecting an upper surface of said inflatable flexible body with a lower surface of said planar member"

As required in §112, paragraph 6, this claim element "shall be construed to cover the corresponding structure... described in the specification and equivalents thereof." As noted by the Examiner, the specification describes adhesive or buttons. In order to determine the scope of this claim element, we must determine the "equivalents" of adhesive or buttons.

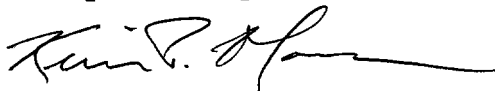
Applicant has argued that the phrase "means for detachably connecting" does not cover fasteners that require separate tools (e.g., bolts or screws) since such fasteners are not "equivalent" to buttons (or adhesive). In response, the Examiner has argued that:

"the specification, as originally filed, did not state that the buttons can be utilized without the need for extra tools."

Applicant notes that the Examiner has provided no example of a button that requires a tool for detachment. As a matter of fact, Applicant can think of no button that requires a tool, and thus the Examiner's statement is rather peculiar. Applicant submits that one skilled in the art upon reading the specification and disclosure of buttons, would understand that buttons can be detached without the need for extra tools. Furthermore, one skilled in the art would clearly distinguish adhesive and buttons from other fastening arrangements (e.g., bolts or screws) on the basis that buttons and adhesive do not require extra tools. For this reason, the claimed "means for detachably connecting" as used in this patent application does not cover fasteners that require separate tools. Thus, the clamping ring units (37) and corresponding fasteners disclosed in the Smock patent do not anticipate the claimed "means for detachably connecting", and claims 20 and 21 are allowable over Phillips in view of Smock.

Applicant submits that all claims are allowable over the cited references, and favorable consideration is respectfully requested.

Respectfully submitted,



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